

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS AND
TECHNOLOGY INC.,

Plaintiff,

v.

HP INC.,

Defendant.

Case No. 2:24-cv-00752-JRG

Lead Case

WILUS INSTITUTE OF STANDARDS AND
TECHNOLOGY INC.,

Plaintiff,

v.

HP INC.,

Defendant.

Case No. 2:24-cv-00764-JRG

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
COUNTERCLAIM DEFENDANTS' MOTIONS TO DISMISS
HP'S COUNTERCLAIMS**

Counterclaim Defendants Wilus Institute of Standards and Technology Inc. ("Wilus") and Sisvel International S.A. ("Sisvel") hereby provide this notice of supplemental authority in support of their motion to dismiss HP Inc.'s amended counterclaims 1–6 and 15–16 (Dkt. 113).

On July 22, 2025, in *Roku, Inc. v. Access Advance LLC*, No. 1:24-cv-13217-RGS (D. Mass.), the court entered a series of orders granting defendants' motion to dismiss and dismissing

the case in its entirety. *Id.* Dkt. Nos. 51–53. Like the present case, *Roku* involved patents that were part of a patent licensing pool. One of the grounds for the motion to dismiss was that the court lacks subject matter jurisdiction to declare a FRAND rate for global patent portfolios because “doing so would merely offer judicial advice on terms to a license no defendant is obligated to accept, and would require this Court to determine royalties due on foreign patents and patents owned by dozens of parties not before the Court.” *Id.* Dkt. 32 at 1–2, 12–13.

In the minute order at Dkt. 52, the court found: “The court lacks jurisdiction to determine the FRAND rate as requested in Count IX. The U.S. patents constitute only a fraction of the larger portfolio which includes hundreds of foreign patents[,] and the court’s opinion on the appropriate royalty rate would merely be advisory.”

Here, as in *Roku*, HP’s counterclaims improperly seek determinations of FRAND terms on foreign patents and patents owned by non-parties. Accordingly, the *Roku* decision further supports dismissal of HP’s counterclaims.

Dated: July 23, 2025

Respectfully submitted,

/s/ Neil A. Rubin

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Defendant Sisvel International S.A.*

CERTIFICATE OF SERVICE

I certify that on July 23, 2025, a true and correct copy of the foregoing document was electronically filed with the Court and served on all parties of record via the Court's CM/ECF system.

/s/ Neil A. Rubin